



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,261	06/06/2001	Tandy G. Willeby	017402.000009	5178

25883 7590 10/21/2004
HOWISON & ARNOTT, L.L.P.
P.O. BOX 741715
DALLAS, TX 75374-1715

EXAMINER

ELMORE, JOHN E

ART UNIT PAPER NUMBER

2134

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/874,261	Applicant(s) WILLEBY, TANDY G.	
	Examiner John E. Elmore	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 have been examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 6-8, 10-11, 16-18 and 20 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Perlman et al., hereinafter Perlman, (USPN 5,898,80 – published April 27, 1999) in view of Coyle (Coyle, K., "Review of Lessig, Lawrence: Code and Other Laws of Cyberspace, Basic Books, 1999," 2000).

Regarding independent claim 1, Perlman discloses a method for validating a user, comprising the steps of:

receiving, in a server system, a request for a server resource from a client system (column 10, lines 7-14);

determining a network address of the client system (column 6, lines 43-48, and column 7, lines 2-12); and

determining a geographic location corresponding to the network address (column 9, lines 11-20; column ¹⁰~~9~~, lines 15-22).

But Perlman does not explicitly explain permitting or denying access to the server resource according to the geographic location.

However, Perlman teaches the use of a client's geographic location information in optimizing or differentiating server resources (column 11, line 60, through column 12, line 35, and column 14, lines 24-48). Moreover, Coyle teaches permitting or denying access to the server resource according to the geographic location (state regulation of online gaming can require denial of service to a client located in a state in which gambling is illegal; see page 4, paragraph 2).

Therefore, it would be obvious to a person of ordinary skill in the computer art at the time the invention was made to modify the method of Perlman to permit or deny access to the server resource according to the geographic location. One would be motivated to do so in order to comply with state law.

Regarding dependent claim 6, Perlman does not explicitly explain that the server resource includes an online gambling application.

However, Perlman discloses that the server resource may be any provided by any business on the Internet (see column 14, lines 27-37), including the application of online games (column 14, lines 49-51), and where knowledge of the geographic location of the client may be significant (column 14, lines 37-38).

Moreover, Coyle teaches that the server resource includes an online gambling application with which clients can be permitted or denied access depending on geographical location (states with laws prohibiting gambling can require Internet gambling sites to reject users; see page 4, paragraph 2).

Therefore, it would be obvious to a person of ordinary skill in the computer art at the time the invention was made to modify the method of Perlman wherein the server resource includes an online gambling application. One would be motivated to do so because online gambling is an Internet application wherein knowledge of the geographical location of the client is significant.

Regarding dependent claim 7, Perlman is relied on for teaching in regard to claim 1. Perlman further discloses the step of receiving a passcode from the client system (column 11, lines 9-12 and Fig. 13).

Regarding independent claim 8, Perlman discloses method accessing a remote server, comprising the steps of:

requesting, in a client system, access to a server resource on a server system (column 10, lines 7-4);

sending a network address of the client system to the server system (client sends network address to server for authentication; column 1, lines 1-9 and Fig. 13); and

sending a passcode to the server system (column 11, lines 9-12 and Fig. 13);
and

selectively receiving access to the server resource depending on the passcode (passcode used for authentication and access; see column 11, lines 9-12 and 20-24, and Fig. 13).

But Perlman does not explicitly explain selectively receiving access to the server resource depending on a geographic location corresponding to the network address.

However, Coyle teaches selectively receiving access to the server resource depending on a geographic location corresponding to the network address, as discussed in the 35 U.S.C. 103(a) rejection of claim 1 above.

Independent claim 11 is rejected on the same basis as claim 1.

Dependent claims 16 is rejected on the same basis as claim 6.

Dependent claim 17 is rejected on the same basis as claim 7.

Independent claim 18 is rejected on the same basis as claim 8.

3. **Claims 2 and 12 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Perlman in view of Coyle as applied to claims 1 and 11 above, and further in view of CableModemInfo.com FAQ, hereinafter CableModemInfo, ("Most Commonly Asked Cable Modem and xDSL Questions" – published November 11, 1999).

Perlman and Coyle do not explain that the network address is an Internet Protocol (IP) address.

However, Perlman and Coyle disclose a client network address in association with a direct Internet connection (use of cable modem connection with WebTV to browse World Wide Web directly; column 3, lines 17-20 and 61-67, and Column 4, lines 1-3). And CableModemInfo teaches that a cable modem is assigned an IP address and that the IP address is essential to connecting to the Internet directly (see page 4, paragraph 1; page 7, paragraph 2; and page 8, paragraph 3).

Therefore, it would be obvious to a person of ordinary skill in the computer art at the time the invention was made to modify the method of Perlman and Coyle to use an

IP address as the network address. One would be motivated to do so in order to connect directly to the Internet.

4. **Claims 3 and 13 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Perlman in view of Coyle, further in view of CableModemInfo, as applied to claims 1, 2, 11, and 12 above, and further in view of Padmanabhan et al., hereinafter Padmanabhan, (Padmanabhan, V. N., and Subramanian, L., "Determining the Geographic Location of Internet Hosts," Microsoft Research Technical Report MSR-TR-2000-110, November 2000).

Perlman, Coyle, and CableModemInfo are relied upon for the disclosure of a method wherein the IP address of a client is associated with the geographic location of the client. But Perlman, Coyle, and CableModemInfo do not explain that the geographic location is determined from a name-server entry corresponding to the network address of the client system.

However, Padmanabhan teaches a method of determining geographic location from a name-server entry corresponding to the network address of the client system in order to solve the problem of determining location when only an IP address is known (location determined from entry in Domain Name Server (DNS); see section 1., paragraph 1, and section 2.1, paragraph 1).

Therefore, it would be obvious to a person of ordinary skill in the computer art at the time the invention was made to modify the method of Perlman, Coyle, and CableModemInfo to use a name-server entry corresponding to the network address of

Art Unit: 2134

the client system to determine the geographic location of a client system. One would be motivated to do so where the client system is identified by only by an IP address and the geographic location of the client is desired.

5. **Claims 4 and 14 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Perlman in view of Coyle, further in view of CableModemInfo, further in view of Padmanabhan, as applied to claims 1-3 and 11-13 above, and further in view of Alcorn et al., hereinafter Alcorn, (USPN 6,104,815 – published August 15, 2000).

Perlman, Coyle, CableModemInfo, and Padmanabhan do not explain that the geographic location is determined from a global positioning system receiver on the client system.

However, Perlman, Coyle, CableModemInfo, and Padmanabhan disclose numerous communication channels other than POTS that provide no ready means of determining geographic location (see Perlman, column 4, lines 53-62, and column 5, lines 44-51). Even determining location from a name-server entry can be unreliable (see Padmanabhan, section 1., paragraph 2).

Yet Alcorn teaches a method wherein the geographic location is determined from a global positioning system receiver on the client system which can be connected to a server through any communications network (GPS receiver provides geographic location of client to server for authentication; see column 4, lines 60-67, column 5 lines 1-7, and column 7, lines 13-20).

Therefore, it would be obvious to a person of ordinary skill in the computer art at the time the invention was made to modify the method of Perlman and Coyle to use a global positioning system receiver on the client system to determine the geographic location. One would be motivated to do so in order to provide the geographic location of a client to a server resource, such as an online gambling application, that requires the location to determine whether to permit or deny access, particularly where no other communications means exists with which to reliably determine the location.

6. **Claims 1, 4, 7, 8, 11, 14, 17, and 18 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Beadle et al., hereinafter Beadle, ("Location Based Personal Mobile Computing and Communication" – published May 1998), in view of Sharp ("IrDA Application Note" – published August 31, 1998).

Regarding independent claim 1, Beadle discloses a method for validating a user, comprising the steps of:

receiving, in a server system, a request for a server resource from a client system (Beadle (client) sends signal to copier (server); see page 7, last paragraph);

determining a geographic location corresponding to the network address (page 1, last paragraph, and page 3, third paragraph).

permitting or denying access to the server resource according to the geographic location (access to copier services permitted only when client is geographically located within a short range of copier (co-location); see page 7, last paragraph).

But Beadle does not explicitly explain a method for determining a network address of the client system.

However, Beadle discloses a client system employing the IrDA protocol with which to connect to a server or network (page 10, second paragraph). Sharp teaches that the IrDA protocol assigns a MAC address, or network address, for each IrDA device, which is exchanged between a transmitting device and a receiving device (see page 5, first paragraph).

Therefore, it would be obvious to a person of ordinary skill in the computer art at the time the invention was made to modify the method of Beadle to determine a network address of the client system. One would be motivated to do so in order to facilitate communication over a network employing IrDA.

Regarding dependent claim 4, Beadle and Sharp are relied on for teaching in regard to claim 1. Sharp further discloses that the geographic location is determined from a global positioning system receiver on the client system (page 3, third paragraph).

Regarding dependent claim 7, Beadle and Sharp are relied on for teaching in regard to claim 1. Beadle further discloses the step of receiving a passcode from the client system (Badge ID sent from client system to transceiver (server) as authentication; see page 10, fourth paragraph, and page 11, fifth paragraph).

Regarding independent claim 8, Beadle discloses a method of accessing a remote server, comprising the steps of:

requesting, in a client system, access to a server resource on a server system (Badge (client) sends signal to copier (server); see page 7, last paragraph);

sending a passcode to the server system (Badge ID of client sent to transceiver (server) as authentication; see page 10, fourth paragraph, and page 11, fifth paragraph); and

selectively receiving access to the server resource depending on the passcode and a geographic location corresponding to the network address (Badge ID and co-location of client and server determine access (see page 10, fourth paragraph).

But Beadle does not explicitly explain a step for sending a network address of the client system to the server system.

However, Beadle discloses a client system employing the IrDA protocol with which to connect to a server or network (page 10, second paragraph). Sharp teaches that the IrDA protocol assigns a MAC address, or network address, for each IrDA device, which is exchanged between a transmitting device and a receiving device (see page 5, first paragraph).

Therefore, it would be obvious to a person of ordinary skill in the computer art at the time the invention was made to modify the method of Beadle to include a step for sending a network address of the client system to the server system. One would be motivated to do so in order to facilitate communication over a network employing IrDA.

Independent claim 14 is rejected on the same basis as claim 1.

Dependent claim 14 is rejected on the same basis as claim 4.

Dependent claim 17 is rejected on the same basis as claim 7.


Independent claim 18 is rejected on the same basis as claim 8.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Elmore whose telephone number is 703-306-5538. The examiner can normally be reached on M-Th 9-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached on 703-308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100